

### **Remarks**

A Request for Continued Examination (RCE) of the present application was filed March 31, 2008. A non-final Office Action was mailed on June 11, 2008, which rejected all pending claims 30-49.

The Applicant has hereinabove amended claims 30, 37 and 44 to each now generally feature a head suspension *“which supports a data transducer in a data exchange relationship with a storage medium.”* Support includes FIG. 1 as well as in the specification at page 3, lines 22-27.

Independent claim 44 has further been amended to feature the partially spanning of the recited damping material *“so that a remaining portion of the damping material support structure and isolation channels are not spanned by said damping material.”* Support includes FIG. 2. While the Applicant respectfully submits that the skilled artisan would have understood the claim term “partially spanning” to mean that the recited features are partially spanned and therefore not fully spanned, this language makes this more explicit.

These amendments are believed to be proper, do not introduce new matter or serve to narrow the scope of the claimed subject matter, are merely clarifying in nature and not provided for reasons substantially related to patentability over the art of record, and serve to place the application in proper condition for reconsideration and allowance.

### **Rejection of Claims Under 35 U.S.C. §§102(b)**

Claims 30, 32-34, 36, 37, 39-41 and 43 were rejected as being anticipated by U.S. Patent No. 6,798,618 issued to Takagi et al. (“Takagi ’618”). This is respectfully

traversed, and will be discussed with regard to the rejections of independent claims 30 and 37.

Initially, it is noted that Takagi '618 at least fails to disclose “a load beam region comprising a substantially planar portion bounded on opposing sides by respective first and second stiffener rails,” as generally featured by independent claims 30 and 37.

Takagi '618 discloses a number of different head suspension embodiments. The Examiner relied on the embodiment of FIGS. 5-7 of Takagi '618 to support the anticipation rejection. This particular embodiment is a multi-piece head suspension configuration with an initial suspension member 7A to which a separate member 47 is attached. Significantly, the head suspension in FIGS. 5-7 provides a flat load beam region 13 that is of uniform thickness and which is provided “*without bends or ribs*.” See Takagi '618, col. 7, lines 2-7.

It is well established that a *prima facie* case of anticipation not only requires that the prior art reference feature all of the recited limitations in the claim, but the prior art reference must also show the recited limitations arranged exactly as set forth in the claim. See *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990); *Finisar Corp. v. DirecTV Group, Inc.*, 523 F.3d 1323 (Fed. Cir. 2008); *NetMoneyIn v. Verisign*, 2007-1565 (Fed. Cir. decided October 20, 2008).

Thus, even though side rails 17 are shown in other embodiments such as in the single-piece embodiment of FIG. 8, the side rails of FIG. 8 cannot be combined with the uniform thickness, multi-piece embodiment of FIG. 7 to provide an anticipation rejection. Moreover, the skilled artisan would not be motivated to make this substitution on the basis that the reference teaches away from doing so. See c.g., col. 7, lines 1-7.

Reconsideration and withdrawal of the rejections of claims 30 and 37, as well as for the claims depending therefrom, are respectfully requested on this basis.

Further, Takagi '618 fails to disclose a head suspension "*which supports a data transducer in a data exchange relationship with a storage medium,*" as featured by independent claims 30 and 37. As noted above, Takagi '618 provides a partially formed, non-operative head suspension when the damping member 47 is affixed to member 7A. The head suspension is not completed and capable of being placed in a "*data exchange relationship with a storage medium*" until such time that the bridges 53 are removed. At this point, the damping member 47 provides the struts for the head suspension, and no separate damping member is present. Reconsideration and withdrawal of the rejection of claim 37, as well as for the claims depending therefrom, are respectfully requested.

**Rejection of Claims 31, 35, 38, 42, and 44-49 Under 35 U.S.C. § 103(a)**

Claims 31, 35, 38, 42, and 44-49 under 35 U.S.C. § 103(a) as being unpatentable over Takagi '618 in view of U.S. Patent Pub. 2002/0141114 by Wittig et al. ("Wittig '114"). This is respectfully traversed, and will be discussed with respect to the rejection of independent claim 44.

Neither of the Takagi '618 or Wittig '114 references teach or suggest a damping material "*partially spanning the damping material support structure and isolation channels so that a remaining portion of the damping material support structure and isolation channels are not spanned by said damping material,*" as featured by claim 44.

The Examiner correctly notes that Takagi '618 is deficient with regard to this limitation. Wittig '114 is similarly deficient, and instead teaches a damping assembly 54 adjacent a distal end of a head suspension 24 with a cantilevered mass section 74 surrounded on three sides by an isolation channel. The entire mass section 74 and channel

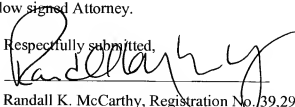
are fully spanned by successive damping layers 88 and 90, so that the layers 88, 90 completely cover these elements. See FIGS. 3A-3B and paras [0037]-[0040].

Accordingly, the rejection is improper on the basis that there is not a teaching or suggestion for each of the claim limitations in the prior art. See *In re Royka*, 180 USPQ 580 (CCPA 1974). The rejection is further improper on the basis that there is nothing in the combined teachings of Takagi '618 and Wittig '114 that would fairly suggest the desirability to the skilled artisan of the claimed combination. See *Graham v. John Deere*, 383 US 1 (1966); *KSR v. Teleflex*, 127 S. Ct. 1727 (2007).

As the claimed subject matter of claim 44 is more than a mere collection of familiar elements that provides more than merely predictable results, claim 44 defines a patentable improvement over the art of record. *KSR, Supra*. Reconsideration and withdrawal of the rejection of claim 44, and for the claims depending therefrom, are accordingly requested.

### **Conclusion**

The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application. This is intended to be a complete response to the Office Action mailed June 11, 2008. Should any questions arise concerning this response, the Examiner is invited to contact the below signed Attorney.

Respectfully submitted,  
By:   
Randall K. McCarthy, Registration No. 39,297  
Fellers, Snider, Blankenship, Bailey and Tippens  
100 N. Broadway, Suite 1700  
Oklahoma City, Oklahoma 73102  
Telephone: (405) 232-0621  
Facsimile: (405) 232-9659  
Customer No. 73462